STATE WATER PLAN

The State Water Plan emerges from a vision of Idaho in which water is used efficiently, and is allocated through laws that fully conform to the prior appropriation doctrine. Water resource planning involves the widespread participation of Idaho citizens.

Objectives

The following objectives of the State Water Plan are formulated for the conservation, development, management and optimum use of all unappropriated water resources and waterways of this state in the public interest [Idaho Code 42-1734A].

1. **Water Management** - Encourage and promote the quantification of water use and all water rights within the state. Encourage and promote integrated, coordinated, and adaptable water resource management, and the prudent stewardship of water resources. Encourage state protection of waterways or water bodies with outstanding fish and wildlife, recreation, geologic or aesthetic values where protection should take precedence over development.

2. **Public Interest** - Ensure that the needs and wishes of the public are appropriately considered in decisions involving water resources of the state.

3. **Economic Development** - Encourage optimum economic development of the water resources, with due regard for prior water rights, that promotes the integration and coordination of the use of water, the augmentation of existing supplies, and the protection of designated waterways [Idaho Code 42-1734A(1)(b)].

4. **Environmental Quality** - Maintain, and where possible enhance water quality and water-related habitats. Study and examine the quality of rivers, streams, lakes and ground water [Idaho Code 42-1734(15)], and assure that due consideration is given to the needs of fish, wildlife, and recreation in managing the water resources of the state.

5. **Public Safety** - Encourage and promote programs that will assure life and property within the state are not threatened by the management or use of our water resources.

Policies

State Water Plan policies are directed toward optimum management and utilization of the state's water resources. The policies provide a framework within which private enterprise and government entities can develop and propose water resource projects and water management scenarios. Specific water resource projects and programs are identified in the comprehensive plans developed for defined geographic areas. The Water Resource Board adopts the following policies for the conservation, development, management and optimum use of all the unappropriated water resources and waterways of this state in the public interest [Idaho Code 42-1734A].

Water Use Group

A goal of the State Water Plan is to secure greater productivity, in both monetary and nonmonetary terms, from existing water supplies. Water Use policies are concerned with improvement in practices, procedures, and laws relating to existing water use.

1A - STATE SOVEREIGNTY

It is the policy of Idaho that the state has sovereignty over decisions affecting the development and use of its water resources, and that the state opposes any attempt by the federal government, its management agencies, any other state, or any other entity to usurp the state's role in these areas.

Comment: The Idaho Water Resource Board is responsible for the formulation of state water policy through the State Water Plan. The state's position on existing and proposed federal policies and actions should be coordinated by the Water Board to ensure the state retains its traditional right to control the water resources of the state.

1B - PUBLIC INTEREST

It is the policy of Idaho that water be managed with due regard for the public inter-est as established by state law.

Comment: The constitution and statutes of the State of Idaho declare all the waters of the state, when flowing in their natural channels, including ground waters, and the waters of all natural springs and lakes within the boundaries of the state, to be public waters [Idaho Code 42-101]. Water allocation and management decisions must consider the public interest as established by state law. The State Water Plan is an expression of the public interest.

1C - BENEFICIAL USE OF WATER

It is the policy of Idaho that beneficial uses include certain nonconsumptive water uses.

Comment: This policy is affirmed by Idaho Code 42-1501 and is reflected in the policies adopted by the Idaho Water Resource Board that "beneficial use" includes, but is not limited to, water required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetics**,** navigation, water quality, and managed ground water recharge as well as the traditional uses for agriculture, manufacturing, mining, hydropower, and human consumption.

1D - TRANSFERABILITY OF USE

It is the policy of Idaho that changes in the nature of use of a water right be allowed, including changes to nonconsumptive uses, provided other water rights are not injured.

Comment: The demand for water increases every year while the volume of unappropriated water within the state continually decreases. The purpose of allowing transferability of water rights is to pro-vide flexibility in water allocation to meet changing conditions. Idaho Code 42-108 and 42-222 provide for changes in place of diversion, place of use, period of use, and nature of use. Provision is made to protect other water users, the agricultural base of an area, and the local public interest. Priority dates are retained if other water right holders are not injured.

In some instances, it is in the public interest to allow changes from traditional uses to instream flow purposes. In highly developed areas, the potential to protect or restore fish and wildlife, water quality, aesthetic, or recreation resources may depend upon the transferability of water rights. To make such transfers substantive, the priority date of the original water right should be retained if other water rights are not injured. Chapter 15, Title 42, Idaho Code needs to be expanded to enable the Idaho Water Resource Board to apply for a change in the nature of use when a water right is acquired that is best used for minimum or instream flow purposes.

1E - WATER MEASUREMENT

It is the policy of Idaho that the water resources of the state should be quantified and their uses should be measured.

Comment: Planning for the optimum use of the water resources of the state and optimal management requires adequate water supply assessment and water use measurement.

Idaho Code 42-1805 lists as a duty of the Director of the Department of Water Resources preparation of a present and continuing inventory of the water resources of this state. However, stream gaging in the state is sparse and many gaging stations have been abandoned due to rising maintenance costs and reductions in agency funding. The existing stream gaging program should be reviewed and enhanced in the most efficient manner to meet water planning and management needs. Many ground water systems have not been adequately studied. Assessment studies are needed to understand and evaluate the state's ground water resources.

Water use quantification is essential for water resource planning. Chapters six and seven, Title 42, Idaho Code, list authorities for water measurement. The State, through the Department of Water Resources, needs to be actively involved in water use measurement and reporting.

1F - CONJUNCTIVE MANAGEMENT

It is the policy of Idaho that where evidence of hydrologic connection exists between ground and surface waters, they are managed conjunctively in recognition of the interconnection.

Comment: Nearly all ground water aquifers in the state discharge to or are recharged by a surface body of water. Surface water seeps through stream beds, lake beds, and channel banks to aquifers. Aquifers, in turn, serve as underground reservoirs, and can stabilize stream discharge during dry periods. Irrigation practices, ground water pumping, and flood flows impact the relationship.

The goal of conjunctive management is to protect the holders of prior water rights while allowing for the optimum development and use of the state's water resources. The approval of new water-use applications and the administration of existing water rights must recognize this relationship.

1G - REASONABLE USE

It is the policy of Idaho to promote the reasonable use of water in accordance with state law.

Comment: As water use efficiencies are increased, reduced requirements in one water use sector could provide available water for new demands or help efforts to improve instream flows. State and local planning should consider water efficiency techniques, together with legislation or ordinances, that may help conserve water resources for drought periods and increase water supplies for other needed uses.

1H - GROUND WATER WITHDRAWAL

It is the policy of Idaho that average withdrawals from an aquifer should not exceed the reasonably anticipated rate of future recharge to that aquifer.

Comment: Excessive withdrawals of ground water may cause economic, environmental, and social problems nearly anywhere in the state. The state should seek to correct withdrawal/recharge imbalances in an orderly fashion, attempting to minimize negative impacts.

Idaho Code 42-226 allows full economic development of the state's underground water resources. The Director of the Department of Water Resources can establish reasonable ground water pumping levels when necessary to protect prior appropriations of ground water. It is important that all beneficial uses, including interdependent spring and surface water uses be considered in evaluating the full economic development potential of an aquifer. Section 42-237a provides that the Director may prohibit or limit the withdrawal of water from a well if withdrawal would result in diversion of the ground water supply at a rate beyond the reasonable anticipated rate of future natural recharge. The director may allow withdrawals to exceed natural recharge if a program exists to increase recharge or decrease withdrawals and senior ground-water rights are protected.

There are areas within the state where withdrawal/recharge imbalances of the ground water resource have been identified by the Department of Water Resources. Idaho Code 42-233a and 233b give the Director of the Department of Water Resources the authority to designate areas as either Ground Water Management Areas or Critical Ground Water Areas. Designation and its associated management options provide a logical step in arresting excessive withdrawals from an aquifer. The Department of Water Resources should also require water-use reporting and the measuring of water levels.

1I - WATER SUPPLY BANK

It is the policy of Idaho that the sale or lease of water is critical to the efficient management of the state's water resources. Use of the State's Water Supply Bank shall be encouraged.

Comment: As the state approaches the situation where little or no water is available for new appropriations, the Water Supply Bank, established by Idaho Code 42-1761, affords an efficient mechanism for the sale or lease of water. By aggregating water available for lease, rental pools operating under the authority of the Water Supply Bank can supply the water needs of many potential users. The Idaho Water Resource Board has adopted rules and regulations governing the sale or lease of water through the Water Supply Bank. The Idaho Water Resource Board has authorized local entities to manage rental pools in Water Districts 01, 63, and 65. The Shoshone-Bannock Tribes are also authorized pursuant to state law, to operate a rental pool.

1J - RECHARGE

It is the policy of Idaho that managed recharge be encouraged, pursuant to state law.

Comment: Managed aquifer recharge may enhance spring flows and maintain desirable aquifer levels. Managed recharge should be monitored to document the beneficial effects on the state's water resources, and to minimize any concerns or issues.

1K - SPRING FLOWS

It is the policy of Idaho that the hydrogeologic relationships between ground water supplies and spring flows continue to be quantified to allow for the determination of optimal development of the water resources.

Comment: Spring flow is part of the natural discharge from an aquifer. Pumped ground water withdrawals from an aquifer change the original recharge-discharge relationship and affect spring flows. Where this relationship exists, it must be sufficiently quantified to allow for optimal utilization of the ground water supply while protecting established senior rights which depend on spring flows discharging from the aquifer. This requires continued funding for studies, such as the Upper Snake River Basin Study completed by the Department of Water Resources in 1996.

1L - WATER QUALITY

It is the policy of Idaho that water be protected against unreasonable contamination or deterioration in quality, thereby maintaining designated beneficial uses.

Comment: It is essential that the quality of Idaho's water resources be protected for public safety and economic stability and growth. The quality of surface and ground water depend in large degree on land-use practices within watersheds. Land managers and local units of government are urged to adequately consider means of reducing nutrient loading, bacterial contamination, and soil erosion and deposition to protect water quality. Local units of government and special use districts should participate with Basin Advisory and Watershed Advisory Groups in the preparation of water quality management plans.

The Department of Water Resources administers a statewide ambient ground water quality monitoring network and the Environmental Data Management System. Regional and local monitoring networks are managed by the Division of Environmental Quality. The citizens of Idaho will be most efficiently served by

cooperative water quality monitoring programs involving appropriate public and private entities, and establishment of an information distribution system for all water quality data.

1M - POLLUTION CONTROL

It is the policy of Idaho that the use of water to dilute pollution is not a substitute for adequate treatment.

Comment: State and federal water quality programs should provide protection for the current high quality of water associated with streams within the state. In most cases, allocation of water for instream flow use should be directed toward meeting fish, wildlife, and recreational needs and not to the dilution of pollution. One way to ensure sufficient water would be to obtain storage rights for water quality maintenance in reservoirs and stream reaches below impoundments.

Conservation Group

The Conservation policies focus on wise use and careful planning to accommodate important values. The purpose of the policies is to manage the use of water resources for the benefit of all Idaho citizens.

2A - SPECIES OF CONCERN

It is the policy of Idaho that the public interests be considered when decisions are made to maintain sustainable populations of plant and animal species whose existence is threatened by mankind's actions.

Comment: The state and federal government have identified species of concern and species that are listed or are candidates for listing as Threatened or Endangered. In most cases, action at the state level can identify management strategies that will insure sustainable populations of these species. The State will consider the public interest in determining its strategies and will encourage local leadership to this end. Exceptions to this policy will be made for efforts to eliminate noxious weeds and other pests.

2B - FEDERALLY LISTED SPECIES

It is the policy of Idaho to cooperate, insofar as allowed by state law, in efforts to conserve and restore plant and animal species listed by the federal government as Threatened or Endangered.

Comment: Actions taken by federal agencies under authorities created by the Endangered Species Act do not modify state law. Efforts by the citizens and agencies of the state to achieve federal goals may be constrained by existing state law, particularly the protection and preservation of state water rights.

The State should take an active role in the listing process. To the extent allowed by federal law, the State should be involved in developing and administering recovery and habitat management plans for species that are listed.

2C - LAKE AND RESERVOIR MANAGEMENT

It is the policy of Idaho that comprehensive management plans for surface use and water quality protection be developed for lakes and reservoirs in the state.

Comment: Idaho is a land of numerous lakes and reservoirs. Many lakes and reservoirs in the state have experienced declining water quality, surface crowding, losses in scenic values, and physical damage to the shoreline. Comprehensive management plans for surface use, relative to public safety, and water quality protection can address these problems.

Each lake or reservoir has its own set of needs and constraints which must be considered. County and city government, the local public, land managers, and user groups of the lake or reservoir and its watershed, must be involved in plan development and implementation. Where federal or private entities have regulatory control over water storage and releases, these entities are encouraged to cooperate in

the development of surface use and water quality management plans.

The Idaho Water Resource Board supports implementation of the Clean Lakes Act passed by the Idaho Legislature in 1989 [Chapter 64, Title 39, Idaho Code]. The law provides for the creation of regional councils empowered to develop lake management plans. It further provides for technical advisory groups to support the council in its planning efforts.

2D - CLIMATE VARIABILITY

It is the policy of Idaho that climate variability be considered in planning for and in the management of the state's water resources.

Comment: Regional climate changes are uncertain, however, climate variability should be expected and planned for by the public and its agencies. Possible consequences of regional climate change are important to recognize. Winter snowpack in the mountains may be significantly affected, with consequent effects on water resources available for agriculture, power generation, forestry and fisheries. Even though uncertainties are considerable, we should not wait to put in place policies and procedures that could provide for flexibility and make use of new understanding as it develops.

Protection Group

The Protection policies deal with water and related resources with outstanding social, economic, and environmental values. The purpose of the policies is to safeguard these values and Idaho's citizens, and to provide for minimum stream flows, and the protection and preservation of waterways in accordance with Idaho Code 42-1734A(1)(d).

3A - INSTREAM FLOW

It is the policy of Idaho that when it is in the public interest the Idaho Water Resource Board should seek to appropriate waters in the state for instream flow purposes.

Comment: Instream flows protect many nonconsumptive uses such as fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation, navigation, hydropower and water quality. Many of these uses have direct effects on the economy while others represent intangible values, and the public interest.

Chapter 15, Title 42, Idaho Code, provides the authority and spells out procedures for the Idaho Water Resource Board to appropriate water for minimum stream flows.

The Idaho Water Resource Board supports efforts to obtain storage and natural flow rights to improve and maintain instream flows when in the public interest. Chapter 15, Title 42, Idaho Code, should be expanded to enable the Idaho Water Resource Board to transfer acquired water rights to instream flow water rights. By law [Idaho Code 42-108 and 42-222], provision is made to protect other water users and the agricultural base of an area.

3B - POTENTIAL RESERVOIR SITES

It is the policy of Idaho that potential reservoir sites be protected from significant land use change.

Comment: Future economic development and population growth will bring additional demands on Idaho's water resources. In future years the construction of additional reservoirs may play an important role in managing the water resources of the state. While the State recognizes the rights of existing land owners, improvements and new development within potential reservoir sites, which could increase reservoir costs significantly, should be discouraged.

Table 1 lists current potential reservoir sites which should be protected by the State. Sites will be evaluated or reevaluated for protection during the process of preparing comprehensive plans for basins or waterways.

Table 1. Potential Reservoir Sites

Potential Reservoir	Stream	Size	Purpose
Upper Snake			
Teton	Teton River	236,000 AF	Irrigation, Power, Flood Control
Medicine Lodge	Medicine Lodge	12,000 AF	Irrigation
Birch Creek	Birch Creek	24,000 AF	Irrigation

Boulder Flats Big Wood River 61,000 AF Flood Control, Recreation

Southwest Idaho

Grindstone Snake River 115,000 AF Irrigation

Sailor Creek Snake River 113,000 AF Irrigation

Gold Fork Gold Fork Payette River 80,000 AF Irrigation

Twin Springs Boise River 410,000 AF Irrigation, Power, Flood Control

Lost Valley (enlargement) Lost Valley Creek 30,000 AF Irrigation

Galloway Weiser River 1,220,000 AF Irrigation, Flood Control

Monday Gulch Little Weiser River 35,000 AF Irrigation

C. Ben Ross (enlargement) Little Weiser River 12,450 AF Irrigation

Goodrich Weiser River 350,000 AF Irrigation

Tamarack Weiser River 30,000 AF Irrigation

Salmon

Challis Challis Creek 10,600 AF Irrigation

Bear

Caribou Bear River 40,000 AF Irrigation

Plymouth Malad River 400,000 AF Irrigation

3C - STATE PROTECTED RIVER SYSTEM

It is the policy of Idaho that a state protected river system be maintained to meet the desires of the citizens of Idaho. The system should provide for the protection of the unique features that exist on various rivers within the state, and should provide the necessary authority and funding to protect such rivers and related lands for recreational, scenic, and natural values.

Comment: Idahoans have expressed a desire to retain some rivers or river reaches in a free-flowing condition. Idaho Code 42-1734A(1) authorizes the Idaho Water Resource Board to protect highly-valued waterways as State protected rivers. The authority to designate "protected rivers" derives from the State's power to regulate the beds of navigable streams and the waters within the state. In 1991 the Idaho Legislature approved the first stream reaches for state protection.

Because of the comprehensive scope of state water planning, the Idaho Water Resource Board

encourages the federal government to work within the state water planning process rather than independently pursuing federal protection of waters within Idaho. Federal protection adds another layer of bureaucracy to water planning and limits planning flexibility. State water planning provides a means for ensuring coordinated water planning by both federal and state governments.

3D - RIPARIAN HABITAT AND WETLANDS

It is the policy of Idaho to protect the ecological viability of riparian habitat and wetlands within the state in the public interest.

Comment: Riparian lands and wetlands are important components of a watershed. The State of Idaho encourages protection of public riparian lands and wetlands, and the practice of good stewardship in managing private lands. Riparian and wetland protection above the mean high water elevation should be implemented at the watershed level. The authority to control land use is set out in the Local Planning Act of 1975, as amended. The Idaho Stream Channel Protection Act [Idaho Code 42-3801 thru 3812] regulates alteration of stream bed below the mean high water elevation.

3E - STREAM CHANNEL REHABILITATION

It is the policy of Idaho that the costs and benefits of stream channel rehabilitation be evaluated where past activities currently or potentially affect the yield or quality of the state's watersheds.

Comment: Catastrophic flooding is often the outcome of heavy run-off combined with human disturbances, and may result in the destruction of stream channels. The functional loss of impacted channels may threaten public safety, private property, and the overall quality and quantity of water produced in the affected watershed. It is appropriate for the State to take action to rehabilitate impacted stream channels where public safety may be threatened, or where the remedial costs are less than the potential damages.

Many early mining projects have been built and later abandoned. Some of these projects have deteriorated to the extent that public safety and water resource values are threatened. Where liability cannot be established, and public safety may be threatened, the State should take remedial action.

3F - TAILINGS POND REGULATION

It is the policy of Idaho that the construction, operation, and maintenance of mine tailings impoundment structures be regulated by the state.

Comment: Chapter 17, Title 42, Idaho Code makes the regulation of mine tailings impoundment structures a function of the Idaho Department of Water Resources. The health and safety of the citizens of the state and the quality of the state's water re-sources in many areas depend on the proper construction, operation and maintenance of mine waste tailings ponds. Chapter 1, Title 39, Idaho Code, provides general water quality authorities to the Board of Health and Welfare.

3G - RADIOACTIVE WASTE MONITORING

It is the policy of Idaho to maintain a state program to monitor and regulate the use, handling, and storage of radioactive wastes.

Comment: The Idaho National Engineering Laboratory (INEL), near Arco, sits on top of the Eastern Snake Plain aquifer, the primary drinking water supply to half the state's population and the irrigation water supply for three million acres. Protection of this vital water supply from radioactive contamination is imperative for both the physical health of the population and the economic health of the state.

The State of Idaho INEL Oversight Program, provides independent information about the Idaho National Engineering Laboratory to the citizens of Idaho. In order to verify and complement the monitoring conducted by the U.S. Department of Energy and it's contractors, the Oversight Program has developed an environmental surveillance program to monitor potential impacts on air, water, soil, and biota resulting from activities at the INEL. Some of the monitoring sites are the same as, or are co-located with, federal monitoring locations, while others have been located so as to provide information that would not otherwise be available. Monitoring results are reported quarterly, with an annual summary and assessment of impact on the environment and people of Idaho.

The Division of Environmental Quality is Idaho's lead agency for regulatory control over the use, handling, storage, and disposal of radioactive materials. Regulatory control is also exercised over clean up of sites contaminated with radioactive materials and transportation of nuclear waste and spent fuel in Idaho.

The Idaho Water Resource Board supports the Governor's agreement on radioactive waste storage and removal at INEL, and supports continued negotiations to restrict further importation to Idaho. The transfer of all radioactive waste from Idaho to a designated national repository at the earliest date possible is strongly encouraged.

3H - SAFETY MEASURES PROGRAM

It is the policy of Idaho that a program should be established to assist local units of government in repairing and installing safety structures on or near canals, rivers, lakes, and reservoirs. The program should be established as a cost-sharing cooperative program.

Comment: Each year, numerous fatal accidents occur in the state's waterways because of the lack of preventive safety measures. Accidents are not con-fined to one area of the state nor one segment of the economy but are scattered throughout the state. Most Idaho cities are built on a water course and subsequently are plagued by hazardous canals, rivers, or shore lands. Fencing, signing, debris removal, covering and other structures should be in-stalled to provide for human safety.

Local units of government should be encouraged to conduct annual public awareness campaigns concerning the dangers and hazardous nature of water bodies in their areas.

3I - FLOOD PRONE AREAS

It is the policy of Idaho to encourage the protection of flood plains and reliance on management rather than structural alternatives in reducing or preventing flood damages.

Comment: Flood damage can be limited by providing sufficient space in the flood plain to accommodate flood waters. Local government is encouraged to plan for floodways and protect flood plains from further development.

Prospective buyers should be made aware of identified flood prone areas. The pressures to develop areas subject to periodic flooding will continue to increase as population increases. Buyers should realize those flood prone areas require special construction provisions to avoid flood losses.

The National Flood Insurance Program should be adopted statewide. This program requires that local units of government zone and control flood prone areas in order to be eligible for most federal assistance. Floodplain maps prepared for the Federal Emergency Management Agency are available through the Idaho Department of Water Resources.

3J - FLOOD CONTROL LEVEE REGULATION

It is the policy of Idaho that the construction and maintenance of flood control levees be regulated by the State.

Comment: The only standards applicable to the construction of flood control levees in Idaho are in the Rules governing Stream Channel Alterations. These standards apply only when all or part of the levee will be located below the mean high water mark.

Flood control levees are maintained by local entities. There are no maintenance regulations so the degree of maintenance varies with the capability and diligence of the responsible organization. This situation creates a potential hazard in that levees may be deteriorate to the point of being unsafe.

All new flood control levees should be required to be built to standards promulgated by the Department of Water Resources. The Department should also be authorized to develop maintenance criteria for flood control levees and to insure compliance with these criteria through an inspection program.

When a levee is scheduled to be rebuilt, a cost/benefit analysis should be conducted to determine if it is prudent to rebuild the levee in question or buy the property which the levee would protect.

Management Group

The focus of the Management policies is on improvement in the practices, procedures, and laws relating to existing water and energy resource ad-ministration and programs. The purpose of the policies is achievement of greater administrative efficiency.

4A - AGENCY CONSOLIDATION

It is the policy of Idaho that the administration of state programs for water allocation, planning, and water quality regulation be consolidated in one agency.

Comment: Planning and administration of water quantity and water quality are presently divided between two state agencies even though they are two directly interrelated properties of the same resource. The Department of Water Resources is primarily responsible for programs relating to water quantity, and the Division of Environmental Quality is responsible for protecting the quality of the state's water. Combining water quantity and water quality programs should reduce confusion and improve service to the public while preserving the goals of both programs.

4B - REVIEW OF FEDERAL RESERVOIR WATER ALLOCATION

It is the policy of Idaho that agreements be established with federal agencies to allow Idaho Water Resource Board review of any proposed water allocation from federal reservoirs in excess of 500 acre-feet annually.

Comment: This policy does not encroach upon the authority of federal agencies to operate their facilities according to congressional authorization, but would help to ensure that their actions occur with state review and concurrence. The Idaho Water Resource Board would be guided in such a review by the conformance of the proposed allocation with the State Water Plan.

Formal agreements are necessary for the State Water Plan to be implemented in a coordinated manner. The Idaho Water Resource Board and the U.S. Bureau of Reclamation reached an agreement in 1988 providing for Board review of proposed reallocations. An agreement should be negotiated with the Corps of Engineers regarding large water releases from their facilities.

4C - ENERGY PLAN

It is the policy of Idaho that the State Energy Plan set forth policies for energy use and development in the state and that the plan be updated at least every five years.

Comment: The Idaho State Energy Plan was finalized in February 1982, and adopted by the Water Resource Board on June 3, 1983. The Idaho Water Resource Board recognized this plan as implementation the original State Water Plan's Policy 13, which called for the formulation of a State Energy Plan.

The Energy Plan needs to be updated at least every five years to be effective. This is increasingly important with the current move toward deregulation of the electric utility industry. The Idaho Water Resource Board urges legislative funding for an immediate update of the plan.

4D - HYDROPOWER LICENSING

It is the policy of Idaho to insure that public interest, existing water rights, related settlement agreements, and the future water and energy needs of the State are considered in hydropower licensing.

Comment: Hydropower water rights may be limited to a specific term and subordinated to upstream depletionary uses [Idaho Code, 42-203B(6) and (7)]. Water rights for power purposes may also be defined by agreement as unsubordinated to an established minimum flow [Idaho Code, 42-203B(2)]. Idaho asserts its traditional right to regulate the state's water resources. The federal government, in the hydropower licensing process, must recognize water rights and other constraints on water use established through state law. Hydropower licenses should be compatible with the public interest and outstanding power purchase contracts.

Many hydropower projects in Idaho are or soon will be undergoing relicensing by the Federal Energy Regulatory Commission (FERC). State review of existing water rights should occur in conjunction with the FERC relicensing process.

4E - HYDROPOWER SITING

It is the policy of Idaho that new hydropower developments be in conformance with the State Water Plan and the State Energy Plan.

Comment: The Idaho Water Resource Board is charged with the responsibility for planning for the optimum development of the water resources of the state through policies and water allocations which reflect the public interest. Specific hydropower siting issues are addressed in the Idaho Water Resource Board's comprehensive basin or river plans. The Federal Energy Regulatory Commission must consider State comprehensive plans in making hydropower siting decisions.

As a general policy, the Idaho Water Resource Board believes that energy conservation and efficiency improvements are the most desirable methods to provide for additional power requirements. The State of Idaho will be best served through conservation and the upgrading of existing energy systems. These measures are attractive because of their low costs, short lead time, and flexibility.

Recognizing the future need for new generating capacity, the Board prefers that new hydropower resources be developed at dams having hydropower potential that do not currently generate power or do not generate at their maximum potential. New structures or projects should be carefully evaluated to insure that the benefits to the state outweigh any negative consequences associated with the proposed development. The Idaho Water Resource Board will evaluate specific hydropower developments in comprehensive plans for river basins or waterways.

4F - CONSERVANCY DISTRICTS

It is the policy of Idaho that where practical, the total water needs of a geographic area be satisfied by a legal entity having the authority and responsibility to address all water needs in a comprehensive manner.

Comment: Under present law the boundaries of irrigation districts, ground water districts, recharge districts, water measurement districts, drainage districts, and flood control districts need not coincide. Since coordinated planning is rarely undertaken, the possibility exists for good faith actions to have adverse impacts or be at cross purposes with the aims of other management entities.

A water conservancy district should have the authority to own and operate storage, diversion, and delivery systems to provide the total water needs of large geographic parts of the state (e.g., river basins, single or multi-county areas). It should have authority to levy taxes on all property benefitted by a program or project and to bond and contract for project construction. Water could be supplied for irrigation, domestic, municipal, industrial, recreation, and other purposes. Such districts could also sponsor ground-water recharge projects, distributing the costs over the affected area. They could also integrate the use of the surface and ground-water resources of a river basin for more efficient use of the total resource.

4G - RESEARCH PROGRAM

It is the policy of Idaho to encourage and conduct research on important water resource topics.

Comment: While water programs in Idaho can incorporate information from research in other states, more research dealing with specific problems in Idaho is needed. Topics that need immediate attention include:

• water use efficiency

• optimum monitoring programs for water use

• ground and surface water relationships specifically with regard to the timing and spacial distribution of pumping and recharge efforts,

• ground water flow models, and

• cooperatively developed system operation modeling techniques for Idaho river basins.

4H - FUNDING PROGRAM

It is the policy of Idaho that state funds be available to support the development, preservation, conservation, and restoration of the water and related resources of the state.

Comment: The Idaho Water Resource Board's Revolving Development Fund, the Water Management Account, and the Conservation and Development Trust are mechanisms for partially achieving the goals of this policy. The funds or accounts rely on the appropriation of moneys from the state's general fund. These programs have provided financial assistance for more than 200 water development, conservation, or system rehabilitation projects and studies. They have not been funded with sufficient moneys to have a highly visible impact on the land, water and related resources of the state.

Idaho Code 42-1734(2) provides that the Idaho Water Resource Board may lend the proceeds of the sale of revenue bonds to a local water project sponsor or sponsors. The issuance of revenue bonds does not constitute a general obligation of the State of Idaho or the Idaho Water Resource Board. Since 1983, $75.7 million has been created by this program to fund 147 projects, including $10.6 million to help irrigators switch from flood irrigation to sprinkler irrigation, and $54.3 million to improve municipal water systems. While the revenue bond program was used extensively from 1983 to 1986, the Tax Reform Act of 1986 placed a number of restrictions on the issuance of these bonds, making them practical only for selective large projects. Since 1986, only three projects have been funded through the Revenue Bond program.

The language creating the above funds and accounts should be amended. In most cases it is overly restrictive, providing for the expenditure of moneys primarily for development. Money should be made available for projects that would conserve, preserve, or restore the state's water and related resources

4I - PLANNING PROGRAM

It is the policy of Idaho that water management plans be prepared for the individual river basins.

Comment: Comprehensive planning is necessary to minimize conflicts between competing water uses and to ensure optimal protection of all beneficial uses of water. Detailed water management plans should be prepared for river basins and aquifers within the state to evaluate the specific interrelationship between ground and surface water and provide for the orderly protection and development of the state's water resources.

Idaho Code 42-1734A provides for the development of a "comprehensive state water plan" based upon river basins or other geographic considerations. Each basin or waterway plan becomes a component of the State Water Plan. The following comprehensive plans have been approved by the Idaho Legislature and accepted by the Federal Energy Regulatory Commission:

Priest River Basin

South Fork Boise River Basin

Payette River Reaches

Henrys Fork Basin

Snake River: Milner Dam to King Hill

Upper Boise River Basin

North Fork Clearwater Basin

South Fork Snake River Basin

These plans contain State protected river designations and recommendations concerning other aspects of water use. The positions and policies contained in an approved plan are the State's official position on water use in the affected areas. The plans also assure that the state's interests will be considered in federal management agency decisions.

4J -FEDERAL AND TRIBAL WATER RIGHTS

It is the policy of Idaho to quantify all federal and tribal water rights within the state.

Comment: Federal agency and tribal water rights claims in Idaho must be identified and quantified to plan for continued use of existing water rights and future needs. As a part of each effort to identify and quantify federal agency and tribal water rights, the protection of existing water rights must be considered. The State should seek to negotiate these rights whenever appropriate.

Executive Order No. 91-8 designated the Idaho Water Resource Board as lead agency to coordinate state activities related to the negotiation of reserved water rights with Idaho Tribes. The successful negotiations concluded with the Shoshone-Bannock over the Fort Hall water rights serves as an example of a negotiated settlement.

4K - WATER RESOURCE MANAGEMENT

It is the policy of Idaho that the diversion and use of water occur only in accordance with water rights issued by the state and federal reserved rights established by the courts. Adjudication of water rights through the state courts should be completed where necessary to fully define and quantify the rights.Comment: The adjudication of water rights is often necessary to sort out overlapping or incomplete claims for the use of surface and ground water resources. These conflicts need to be resolved if the resources are to be managed effectively. Effective programs can then be applied to assure that water is diverted and used in accordance with valid rights.

River Basins Group

The River Basins Group contains resource management policies specific to the state's three major river basin networks: the Snake River Basin, the Bear River Basin in southeast Idaho, and the northern Panhandle river basins.

Snake River Basin

5A - SWAN FALLS AGREEMENT

It is the policy of Idaho that the Swan Falls agreement between the state and Idaho Power Company establishes the framework for water management in the Snake River basin.

Comment: The Swan Falls Agreement was signed in 1985 by the State of Idaho and the Idaho Power Company. The Idaho Water Resource Board is committed to continued implementation of this agreement. Minimum flows in the Snake River are crucial to the Swan Falls Agreement. During portions of low water years, river flows downstream from Milner Dam to Swan Falls Dam consist almost entirely of ground water discharge. The Eastern Snake Plain aquifer which provides this water must therefore be managed conjunctively as an integral part of the river system. This agreement also calls for the adjudication of water rights in the Snake River Basin to enhance the state's water management capabilities.

5B - SNAKE RIVER MINIMUM FLOWS

It is the policy of Idaho that minimum average daily flows at the Murphy gaging station shall meet or exceed 3,900 cfs from April 1 to October 31 and 5,600 cfs from November 1 to March 31. The average daily flow measured at the Weiser gage shall not be less than 4,750 cfs. A minimum average daily flow of 5,000 cfs at Johnson's Bar shall be maintained and an average daily flow of 13,000 cfs shall be maintained at Lime Point (river mile 172) a minimum of 95 percent of the time. The exercise of water rights above Milner Dam has and may reduce flow at the dam to zero.

Comment: In licensing the Milner hydropower project, the Federal Energy Regulatory Commission (FERC) specified "target flows" for the Snake River at Milner. The target flow must be satisfied only when water in excess of prior irrigation rights is available. Water for target flows may be acquired from storage or may be leased from the Upper Snake Rental Pool. The State should seek to acquire water whenever it becomes available in order to mitigate the impacts of low flow below the Dam.

The minimum flows established for the Snake River at the Murphy and Weiser gaging stations are management and permitting constraints; they further insure that the State will be able to assure an adequate hydropower resource base and better protect other values recognized by the State such as fish propagation, recreation, and aesthetic interests, all of which would be adversely impacted by an inadequate stream flow.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission (now FERC) license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. Lower flows may be permitted at Lime Point during the months of July, August, and September, during which time the operation of the Hells Canyon dams shall be in the best interest of power and navigation as determined by the Corps of Engineers and Idaho Power Company as owner of the Hells Canyon power facilities.

The Idaho Water Resource Board recognizes that FERC license requirements relate primarily to the provision of water for navigation and power and not to other instream uses. The Board realizes that the state has no authority to require releases of stored water by the power company, but believes the license conditions serve the public interest. When the Hells Canyon hydropower complex is relicensed, the Water Board will reevaluate the public interest.

Snake River flows above the hydropower right at any Idaho Power facility are considered unappropriated and therefore are not held in trust by the state. This distinction is further addressed in Policy 5C.

5C - SNAKE RIVER TRUST WATER

It is the policy of Idaho that water held in trust by the state pursuant to Idaho Code 42-203B be reallocated to new uses in accordance with the criteria established by Idaho Code 42-203A and 42-203C.

Comment: The agreement between the State of Idaho and Idaho Power Company dated October 25, 1984 provides that Idaho Power's claimed water right of 8,400 cubic feet per second (cfs) at the Swan Falls Dam may be reduced to either 3,900 cfs or 5,600 cfs during set periods of the year. The claimed water right of 8,400 cfs is deemed appropriated and the amount above the minimum flow established in Policy 5B up to the 8,400 cfs is held in trust by the state. The trust water area is defined by Rule 30 in the Idaho Department of Water Resources' Rules for Water Appropriation.

The agreement further provides that Idaho Power's claimed water rights at facilities upstream from Swan Falls shall be considered satisfied when the company receives the minimum flow specified in Policy 5B at the Murphy gaging station. The 8,400 cfs claim of the power company has not historically been available during summer months.

The 8,400 cfs claimed right at Swan Falls is reduced by the agreement to that flow available after satisfying all applications or claims that demonstrate water was beneficially used prior to Oct. 1, 1984, even if such uses would violate the minimum flows established in Policy 5B. Any remaining water above these minimum flows may be reallocated to new uses by the state providing such use satisfies existing Idaho law.

However, due to continued spring flow decline in the Thousand Springs area since the late l950s, water availability to satisfy additional beneficial uses is limited. A moratorium, as defined in Idaho Code 42-

1806, on further water development has been in place since May 15, 1992.

5D - SNAKE RIVER BASIN DCMI

It is the policy of Idaho that 150 cfs of the water held in trust by the state above Swan Falls Dam pursuant to Policy 5C be reallocated to meet future domestic, commercial, municipal, and industrial consumptive uses in accordance with state law. Comment: While most DCMI (Domestic, Commercial, Municipal, and Industrial) water uses are negligibly consumptive, future growth in Idaho's population and commercial and industrial expansion will require an assured supply of water.

A continuous flow of 150 cfs provides approximately 108,600 acre-feet of water per year. This volume of water is assigned to consumptive uses within the basin for domestic, commercial, municipal, and other industrial purposes. Industrial purposes include processing, manufacturing, research and development, and cooling.

During the ten-year period from 1985 to 1995, about 120 cfs was developed for DCMI uses within the trust water area. Adequate records should be kept and reviewed so that this allocation can be modified as necessary. Increases in the DCMI allocation, if necessary, will reduce the amount of water available for agricultural uses. The allocation will be reviewed as part of every Water Plan update.

5E - SNAKE RIVER BASIN AGRICULTURE

It is the policy of Idaho that appropriated water held in trust by the state pursuant to Policy 5C, less the amount of water necessary to provide for present and future DCMI uses as set forth in Policy 5D, shall be available for reallocation to meet new and supplemental irrigation requirements which conform to Idaho Code 42-203A, 203B, 203C, and 203D.

Comment: During the ten-year period from 1985 to 1995, about 45,600 acres of new irrigation development occurred within the trust water area. Data are not available to estimate the number of acres that received supplemental water during this period.

Idaho Code Section 42-203C limits the rate of new development in the basin above the Murphy gaging

station to 80,000 acres in any four-year period. Impact on existing water rights, mitigation for the impact of diversions on hydropower generation, and criteria placed on the reallocation of hydropower rights, however, limits the rate of new development.

5F - SNAKE RIVER BASIN HYDROPOWER

It is the policy of Idaho that hydropower use be recognized as a beneficial use of water, and that depletion of flows below the minimum average daily flows set forth in Policy 5B is not in the public interest.

Comment: This policy specifically recognizes hydropower generation as a beneficial use of water and acknowledges the public interest in maintaining the minimum river flow at key points.

By establishing minimum daily flows at Murphy and Weiser, stabilized flows are guaranteed for hydropower generation.

5G - SNAKE RIVER NAVIGATION

It is the policy of Idaho that water sufficient for commercial and recreational navigation is provided by the minimum flows established for the Snake River.

Comment: Commercial navigation en route to Lewiston via the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in the Snake River at Lewiston. Above Lewiston, commercial and recreational navigation on the river should be accommodated within the protected flows on the Snake River and tributary streams.

5H - SNAKE RIVER BASIN SPRINGS

It is the policy of Idaho to seek to maintain spring flows in the American Falls and Thousand Springs reaches of the Snake River which will sustain beneficial uses of surface and ground water supplies in accordance with state law.

Comment: Spring discharge in the American Falls and Thousand Springs reaches of the Snake River are vital to the Snake River Basin and Idaho economy. The springs near American Falls provide an important part of Snake River flow appropriated by Magic Valley irrigators. In the Thousand Springs reach, spring flow is the only

practical source of water for many of the state's aquaculture facilities.

During portions of low-water years, river flows downstream from Milner Dam to the Murphy gaging station consist almost entirely of ground-water discharge from the Thousand Springs reach. Maintaining these discharges should be the goal of water managers. Managed recharge of the aquifers and continued efforts to efficiently use ground water are two strategies for maintaining spring discharges in these reaches.

5I - SNAKE RIVER BASIN NEW STORAGE

It is the policy of Idaho that applications for large surface storage projects upstream from the Murphy gage be approved subject to the requirement that the use is in the public interest.

Comment: "Large surface storage projects" are those which have the potential for significantly impacting existing uses. Projects for which approval is required under Section 42-1737, Idaho Code, would be such projects. This policy addresses the approval of new surface storage in the basin, but does not apply to already approved projects. Approval of new storage projects that would divert water from the main stem of the Snake River between Milner and the Murphy gaging station during the period November 1 to March 31 should be coupled with provisions that mitigate the impact such depletions would have on the generation of hydropower.

5J - STORAGE ACQUISITION

It is the policy of Idaho that reservoir storage be acquired in the name of the Idaho Water Resource Board to provide management flexibility in assuring the minimum flows designated for the Snake River.

Comment: The Idaho Department of Water Resources is expected to allocate the unappropriated waters and the power rights held in trust by the state in such a manner as to assure minimum flows at designated key points on the Snake River. The impacts of ground water use within the basin on the timing of aquifer discharge to the rivers is such that at some time stored surface water may be necessary to maintain the designated minimum flows.

At this time there is little reservoir storage within the basin which could be acquired by the State. The State should act to acquire any available, feasible reservoir storage in order to provide flexibility for management decisions and provide assurance that the established minimum flows can be maintained. Until such time as these waters are needed for management purposes, they shall be credited to the Water Supply Bank and funds obtained from their lease or sale shall accrue to the Water Management Account. The Board should have priority in acquiring water from the Water Bank, if necessary, to meet the minimum flows established by the Swan Falls Agreement.

Flood control space at Brownlee Reservoir should be considered for salmon flow augmentation. If the 500,000 acre-feet evacuated for flood control purposes downstream could be held and released for flow augmentation during downstream salmon migration, this could replace valuable water supplies taken from the upper Snake River Basin.

Bear River Basin

6A - BEAR RIVER COMPACT

It is the policy of Idaho that water use and management in the Bear River Basin conform to the allocations set forth in the Bear River Compact [Idaho Code 42-3402].

Comment: The Bear River Compact has been in effect since 1958, and water allocations for the entire basin were adopted in 1978. The compact must be reviewed at intervals of not less than twenty years and may be amended during the review process.

The goal of Idaho's representatives on the commission should be to urge conjunctive management of ground and surface water resources within the Bear River Basin and to seek as much of the unconsumed flow entering the Great Salt Lake as possible for Idaho while negotiating in good faith with the other states.

6B - INTERSTATE WATER DELIVERY

It is the policy of Idaho that Idaho water users in the Lower Division of the Bear River Basin must be protected from inequitable water allocation in the event of a water emergency and the scheduling of interstate water deliveries.

Comment: Article 4 of the Bear River Compact provides for the Bear River Commission to declare water emergencies and implement interstate water delivery schedules. If a downstream water user believes the flow of water in the Bear River or an interstate tributary is insufficient to satisfy their water right, due to diversions in an upstream state, that user may file a petition requesting water distribution under the direction of the Commission.

Water emergencies must be determined through comprehensive accounting processes and reflect true emergency conditions. Water emergencies should not be declared on an annual basis with the sole intent of advancing interstate water delivery schedules. Unless water accounting models include as many reaches as necessary to account for incremental changes in natural flows, and accurately reflect water rights as well as contractual arrangements, Idaho water users may be adversely impacted by interstate water delivery scheduling.

6C - BEAR LAKE

It is the policy of Idaho to recognize and preserve the outstanding values of Bear Lake while continuing to meet existing allocations for irrigation and hydroelectric power generation.

Comment: Bear Lake is a regional tourist attraction recognized for its unique water coloration and for its fishery. To protect these values, the Idaho Water Resource Board has obtained a minimum lake level water right for Bear Lake. The water right holds the lake elevation at or above 5902 feet.

The State of Idaho also recognizes and supports the Bear Lake Storage Allocation and Recovery Plan. This plan was approved through the Bear Lake Settlement Agreement of April 1995 as the established guideline for the operation of Bear Lake. This document calls for a portion of the active storage in Bear Lake to be voluntarily retained to enhance recreation and water quality values.

Recent information indicates that the major contaminant problem in Bear Lake is suspended sediment. The primary source of suspended sediment is the Bear River during high flow periods when sediment-laden water enters Bear Lake through Mud Lake. The most effective way to further enhance the water quality of Bear Lake is to reduce the sediment load to the Bear River above Bear Lake.

6D - BEAR RIVER BASIN WATER PROJECTS

It is the policy of Idaho to encourage additional projects for the development of the water resources of the basin without regard to state boundaries.

Comment: The Bear River Compact provides for a signatory state to construct storage facilities in another state. In order to obtain the maximum beneficial use of water within the basin, it may be necessary to ignore state boundaries, providing that water rights generated by such projects comply with the basic allocations of the compact. The State of Idaho should participate with Wyoming and Utah in determining the feasibility of headwater storage projects to provide for additional irrigation and other uses in Idaho.

Panhandle River Basins

7A - PANHANDLE BASINS

It is the policy of Idaho that the ground and surface waters of the Idaho Panhandle be managed to protect the environmental quality of the region.

Comment: While appearing water rich in comparison to the rest of the state, the water resources of the Idaho Panhandle are finite, and in some areas are fully utilized. Water is the key to the continued economic development in the region. The Water Board places a high priority on maintaining the quality of the water resource base.

7B - PANHANDLE MINIMUM FLOWS

It is the policy of Idaho to provide sufficient water to meet the minimum requirements for aquatic life, fish and wildlife, and to provide for recreation in the Panhandle Basins.

Comment: The minimum stream flow program provides the Idaho Water Resource Board with the authorities necessary to appropriate water for the purposes of this policy. Several streams in the Panhandle Basins have been examined and protected with minimum stream flows claimed by the Idaho Water Resource Board. As water consumption increases in the region, the minimum stream flow program will become increasingly important in the administration of water rights within the Panhandle Basins.

7C - PANHANDLE DCMI

It is the policy of Idaho to provide water for new domestic, commercial, municipal and industrial uses. A depletion of 14 cfs is allocated for these purposes.

Comment: The purpose of this policy is to set aside a significant amount of water for future DCMI (Domestic, Commercial, Municipal, and Industrial) development. The Panhandle population is projected to grow by approximately 2.9 percent annually to more than 200,000 people by 2015. This is a 73 percent increase over 1990 population. Based on current water-use data for the region, an allocation of nine million gallons per day or 14 cfs for consumptive use should be sufficient through the year 2015.

7D - PANHANDLE AGRICULTURAL WATER

It is the policy of Idaho that additional water be made available for irrigated agriculture in the Panhandle. A combined net depletion of 200 cfs is allocated for this purpose.

Comment: Agriculture is a major industry of the state, and Idaho provides an important share of the nation's food production. The Idaho Water Resource Board wishes to insure the availability of water for this purpose.

7E - PANHANDLE NAVIGATION

It is the policy of Idaho that water sufficient for commercial and recreational navigation be maintained in the streams and lakes of the Idaho Panhandle.

Comment: Water for navigation is not a significant problem at this time. If such appropriation appeared necessary, the minimum stream flow program can be used to appropriate water to provide a minimum flow or lake level for the protection of navigation and transportation. Navigation interests are further protected in that all new water appropriations must be in the public interest and an adverse effect on navigation would rarely be in the public interest.